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Message Text

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ORIGIN EB-08

INFO OCT-01 ARA-15 ISO-00 /024 R

66011
DRAFTED BY:BOB FITTS/EB
APPROVED BY:EB:BFITTS
----------083206 120216Z /70
O 112319Z SEP 78
FM SECSTATE WASHDC
TO AMEMBASSY LIMA IMMEDIATE

UNCLAS STATE 230296

FOLLOWING REPEAT GENEVA 13394 ACTION SECSTATE USUN NEW YORK 06 SEP 78.

QUOTE: UNCLAS GENEVA 13394

USUN FOR LOS DELEGATION

E.O. 11652: N/A
TAGS: PLOS, UNCTAD
SUBJECT: UNCTAD: G-77 DRAFT RESOLUTION

1. G-77 HAS TABLED FOLLOWING DRAFT RESOLUTION ON BEHALF OF G-77 ENTITLED "THE EXPLOITATION OF THE SEABED BEYOND THE LIMITS OF NATIONAL JURISDICTION."

BEGIN TEXT: THE TRADE AND DEVELOPMENT BOARD, TAKING NOTE OF THE REPORT PRESENTED BY THE SECRETARIAT OF UNCTAD ON THE NEGOTIATIONS HELD AT THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA, RELATED TO THE EXPLOITATION, FOR COMMERCIAL PURPOSES, OF THE RESOURCES OF THE SEA-BED AND OCEAN FLOOR, AND THE SUBSOIL THEREOF, BEYOND THE LIMITS OF NATIONAL JURISDICTION;

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BEARING IN MIND CONFERENCE RESOLUTION 51 (III) WHICH DECIDED THAT THE QUESTION OF THE ECONOMIC CONSEQUENCES AND IMPLI-CATIONS FOR THE ECONOMIES OF THE DEVELOPING COUNTRIES RESULTING FROM THE EXPLOITATION OF MINERAL RESOURCES SHOULD BE KEPT CONSTANTLY UNDER REVIEW BY THE CONFERENCE AND ITS SUBSIDIARY ORGANS, IN PARTICULAR THE TRADE AND DEVELOPMENT BOARD;

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RECALLING GENERAL ASSEMBLY RESOLUTION 2749 (XXV) WHICH
DECLARED THAT THE SEA-BED AND OCEAN FLOOR, AND THE SUB-
SOIL THEREOF, BEYOND THE LIMITS OF NATIONAL JURISDICTION,
AS WELL AS THE RESOURCES OF THAT AREA, ARE THE COMMON
HERITAGE OF MANKIND;

RECALLING FURTHER GENERAL ASSEMBLY RESOLUTION 2574 D (XXIV)
WHICH DECLARED THAT, PENDING THE ESTABLISHMENT OF AN INTER-
NATIONAL REGIME, STATES AND PERSONS, PHYSICAL OR JURIDICAL,RE BOUND TO REFRAIN FROM ALL ACTIVITIES OF EXPLOITATION
OF THE RESOURCES OF THE AREA OF THE SEA-BED AND OCEAN
FLOOR, AND THE SUBSOIL THEREOF, BEYOND THE LIMITS OF
NATIONAL JURISDICTION, AND THAT NO CLAIM TO ANY PART OF
THAT AREA OR ITS RESOURCES SHOULD BE RECOGNIZED;

TAKING INTO ACCOUNT THAT THE THIRD UNITED NATIONS CONFERENCE
ON THE LAW OF THE SEA HAS MADE PROGRESS TOWARDS THE EARLY
ADOPTION OF A NEW CONVENTION, WHICH WOULD PROVIDE THE
ESTABLISHMENT OF AN INTERNATIONAL AUTHORITY ENTITLED TO
ADMINISTRATE THE AREA OF THE SEA-BED AND OCEAN FLOOR, AND
THE SUBSOIL THEREOF, BEYOND THE LIMITS OF NATIONAL JURIS-
DICTION, AS THE COMMON HERITAGE OF MANKIND;

CONSIDERING THAT ANY UNILATERAL ACTIONS DESIGNED TO CARRY
ON THE EXPLOITATION OF THAT AREA, BEFORE A CONVENTION ON
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THE LAW OF THE SEA IS ADOPTED, WOULD VIOLATE THE AFORE-
MENTIONED RESOLUTIONS OF THE GENERAL ASSEMBLY, WOULD
JEOPARDIZE THE CURRENT NEGOTIATIONS AND WOULD DAMAGE THE
INTERESTS OF THE INTERNATIONAL COMMUNITY;

CONSIDERING FURTHER THAT THE EXPLOITATION OF MINERAL
RESOURCES OF THE SEA-BED AND OCEAN FLOOR, AND THE SUBSOIL
THEREOF, BEYOND THE LIMITS OF NATIONAL JURISDICTION,
UNDERTAKEN BY STATES AND PERSONS, PHYSICAL OR JURIDICAL,
OUTSIDE THE FRAMEWORK OF A UNIVERSAL CONVENTION AND WITHOUT
THE CONTROL OF THE AUTHORITY CALLED TO MANAGE THAT AREA,
MIGHT HAVE VERY SERIOUS CONSEQUENCES FOR THE ECONOMIES AND
TRADE OF OTHER STATES AND WOULD UNDERMINE THE CONCERT OF
INTERNATIONAL AGREEMENTS ON MINERAL RESOURCES EXPLOITED
BOTH IN LAND AND IN THE SEA-BED;

(1) CALLS UPON ALL STATES TO REFRAIN FROM ADOPTING LEGIS-
LATION OR ANY OTHER MEASURES DESIGNED TO CARRY ON THE
EXPLOITATION OF THE SEA-BED AND OCEAN FLOOR, AND THE SUBSOIL
THEREOF, BEYOND THE LIMITS OF NATIONAL JURISDICTION, UNTIL
NEGOTIATIONS AT THE THIRD UNITED NATIONS CONFERENCE ON THE
LAW OF THE SEA BE CONCLUDED;

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(2) RATES THAT ANY UNILATERAL ACTIONS IN CONTRAVENTIDN
OF THE PERTINENT RESOLUTIONS OF THE GENERAL ASSEMBLY WOULD
NOT BE RECOGNIZED BY THE INTERNATIONAL COMMUNITY AND WOULD
BE INVALID ACCORDING TO INTERNATIONAL LAW;

(3) STRESSES THAT STATES WHICH MIGHT UNDERTAKE SUCH
UNILATERAL ACTIONS WOULD HAVE TO ASSUME THE RESPONSIBILITY
FOR THEIR CONSEQUENCES BOTH ON THE OUTCOME OF THE THIRD
UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA AND ON
NEGOTIATIONS ON COMMODITIES RELATED TO THE EXPLOITATION OF
MINERAL RESOURCES FROM THE SEA-BED;

(4) URGES ALL STATES TOMAKE THE NECESSARY EFFORTS WITH A
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VIEW TO ENSURING THE SUCCESS OF THAT CONFERENCE AND OTHER
CURRENT NEGOTIATIONS;

LAW OF THE SEA, IN ORDER THAT ITS CONTENTS BE MADE KNOWN TO
MEMBER STATES.

2. WE HAVE MADE CLEAR OUR VIEW THAT TDB MEETING SHOULD NOT
GET INVOLVED IN SUBSTANTIVE ASPECTS OF LOS ISSUES WHICH
SHOULD PROPERLY BE DEALT WITH IN LOS CONFERENCE ITSELF.
WE WILL ALSO POINT OUT MISUNDERSTANDING ON PART OF G-77
EXPRESSED IN OPERATIVE PARAGRAPH 2 CONCERNING LEGAL FORCE
OF GA RESOLUTIONS. ANY ADDITIONAL GUIDANCE OR TALKING
POINTS FROM DEPARTMENT OR LOS DELEGATION WOULD BE WELCOME.
VANDEN HEUVEL

UNQUOTE CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SEABED, LAW OF THE SEA, RESOLUTIONS, COMMITTEE MEETINGS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 11 sep 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE230296
Document Source: CORE
Document Unique ID: 00
Drafter: BOB FITTS/EB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780381-0901
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780980/aaaacnzz.tel
Line Count: 151
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: da8ae852-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1481098
Secure: OPEN
Status: NATIVE
Subject: UNCTAD: G-77 DRAFT RESOLUTION
TAGS: PLOS, UNCTAD
To: LIMA
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/da8ae852-c288-dd11-92da-001cc4696bcc
Review Markings:
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